

EXHIBIT 4

Case:17-03283-LTS Doc#:16370 Filed:04/09/21 Entered:04/09/21 13:44:31 Desc: Main
Document Page 1 of 4

**UNITED STATES DISTRICT COURT
FOR THE PUERTO RICO DISTRICT**

[stamp:] RECEIVED AND FILED / CLERK'S OFFICE / U.S. DISTRICT COURT / SAN JUAN,
PR / 2021 APR -9 PM 12:07

In the matter of:

**FINANCIAL MANAGEMENT AND
OVERSIGHT BOARD FOR PUERTO
RICO**

as representative of:

**COMMONWEALTH OF PUERTO RICO
AND OTHERS**

Debtors

**PROMESA
TITLE III**

No. 17BK3283-LTS

Claim Number: 7844

**OBJECTION TO THIRTY-FIFTH OMNIBUS (NON-SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO TO INCORRECT DEBTOR CLAIMS.**

TO THE HONORABLE DISTRICT COURT:

Appearing, before this Honorable Court presided by Judge Laura Taylor Swain, United
States District Court Judge, Maria V. Perez Rodriguez (Respondent), in her own right,
does hereby respectfully **ALLEGE, STATE AND REQUEST:**

1. On March 12, 2021, we received the Thirty-Fifth Omnibus Objection (Non-substantive) of the Commonwealth of Puerto Rico to Incorrect Debtor Claims.
2. Claim Number 7844 is described in the document as an unnecessary claim.
3. The Commonwealth requests that the claim be reclassified for incorporation into the Electric Power Authority's (PREPA) Title III Case.

Grounds for Opposition to the Global Objection

1. The Commonwealth provides that PREPA is a separate and legally independent entity with the capacity to sue and be sued autonomously, 22 L.P.R.A. & 196(e).
2. From this same Act Section 4 - Governing Board (22 L.P.R.A.) & 194 states, "The powers of the Authority shall be exercised and its general policy and strategic direction shall be determined by a Governing Board, which shall be its governing body,...."

3. Pursuant to Section 3 - Creation and Formation of the Authority (22 L.P.R.A. & 193) the Authority is a governmental instrumentality, subject to the control of its Governing Board. Section 4 - Governing Board (22 L.P.R.A. & 194) subsection (a) states "... The Governing Board shall be composed of seven (7) members. The Governor of Puerto Rico shall appoint, with the advice and consent of the Senate, three (3) of the seven (7) members who shall comprise the Board..." "The Governor shall evaluate the list of recommended candidates and shall select three (3) persons from the list." These members are selected at the sole discretion of the Governor. The Board's compliance is forwarded to the Governor through a report with findings and recommendations. The main function of the Governing Board is to give strategic direction to the Authority. Subsection (D), line 1 Section 4 - Governing Board (22 L.P.R.A. & 194). Forty-five percent of the members of this Board are selected and appointed by the Governor, with the advice and consent of the Senate.

From Subsection (f) Performance and Conduct, line (v) Section 4 - Governing Board (22 L.P.R.A. & 194) it appears that "Without being construed as a limitation to the powers conferred to the Governor of Puerto Rico under Act No. 3-2017, the Governor may remove any member of the Board for the following causes:

(ii) Incompetence, manifest professional incapacity or negligence in the performance of his or her functions and duties,...".

The fiduciary duties of the members of the Governing Board are framed for the benefit of the Authority and the public interest of providing an essential of quality for public service or for the customers.

The fact that Act 22 L.P.R.A. grants PREPA the power to sue and be sued does not give the State immunity from being liable for its actions or omissions. Even more so when the same State, by law, authorized its being sued in the following situation:

initials in left margin

Case:17-03283-LTS Doc#:16370 Filed:04/09/21 Entered:04/09/21 13:44:31 Desc: Main
Document Page 3 of 4

3

"Actions to claim movable and immovable property or rights thereon, with or without damages for the damages caused to said property or for its income and utilities, and for the demarcation of rural property." Act No. 104 of June 29, 1955, as amended, Section 2 - Authorization (32 L.P.R.A. &3077).

Considering all of the above, the Commonwealth of Puerto Rico is also obligated to comply effectively, in a timely fashion and fully with the contracted obligation, to enforce the contractual agreements, in accordance with its Constitution. Failure to hold the State responsible would relieve it of its obligation by allowing it to expropriate the title I have to my pension in order to satisfy the public debt.

I hereby respectfully request the Honorable United States District Court, represented by her Honor Laura Taylor Swain, to enter an order overruling the Commonwealth of Puerto Rico's Thirty-Fifth Omnibus (Non-Substantive) Objection to Incorrect Debtor Claims.

RESPECTFULLY SUBMITTED,

I hereby certify that I have served a copy of this letter to:

Counsel for the Oversight Board
Proskauer Rose LLP
Eleven Times Square
New York, New York 10036-8299
A/A: Martin J. Bienenstock
Brian S. Rosen

Counsel for the Creditors' Committee
Paul Hastings LLP
200 Park Avenue
New York, New York 10166
A/A: Luc A. Despins
James Bliss
James Worthington
G. Alexander Bongartz

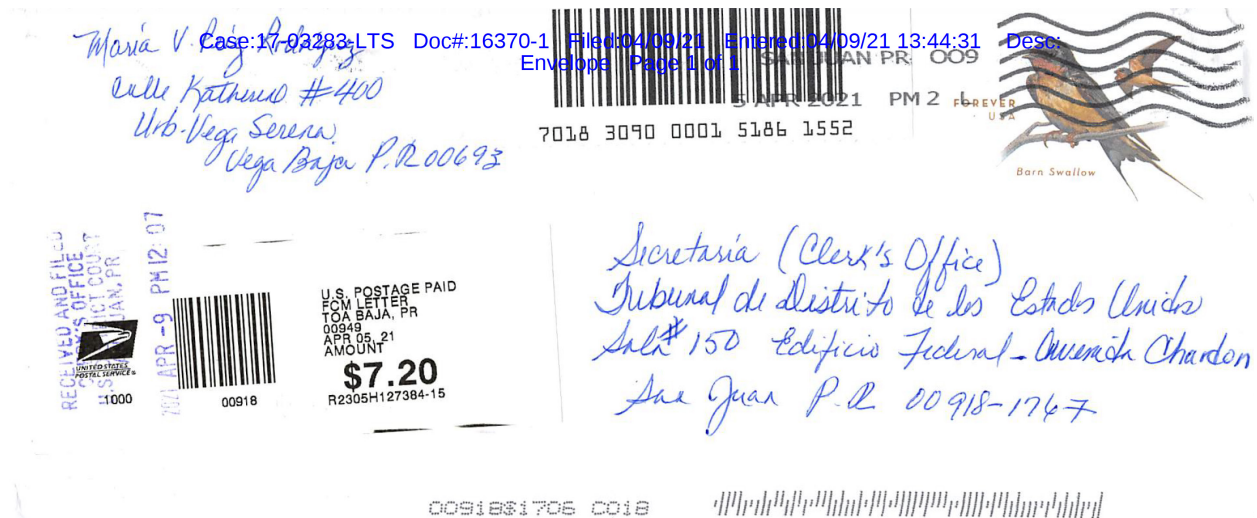
In San Juan, Puerto Rico, this 3rd day of April 2021

Initials in left margin]

Case:17-03283-LTS Doc#:16370 Filed:04/09/21 Entered:04/09/21 13:44:31 Desc: Main
Document Page 4 of 4

4

[signature]
Maria V. Perez Rodriguez
Appellee
Calle Katherine #400 Urbanización Vega Serena
Vega Baja, PR 00693
Telephone No.: (787) 629-8744
Email: marionkira@gmail.com





T 718.384.8040
W TargemTranslations.com
E projects@targemtranslations.com
A 185 Clymer St. Brooklyn, NY 11211

TRANSLATOR'S CERTIFICATE OF TRANSLATION

Translation from: Spanish (Puerto Rico) into English (US)
TARGEM Translations Inc.

I, Andreea I. Boscor, ATA-certified Spanish-English #525556, acting as translator at TARGEM Translations Inc., a NEW YORK City corporation, with its principal office at 185 Clymer Street, Brooklyn, NY, 11211, USA, certify that:

the English translated document is a true and accurate translation of the original Spanish and has been translated to the best of my knowledge.

Original Document Name: **Claim No. 7844 ECF No. 16370**

Signed this 10th day of August 2021



Verify at www.atanet.org/verify

A handwritten signature in blue ink, appearing to read 'Andreea I. Boscor'.

Andreea I. Boscor

